

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

JIMMY LEE BARSH, #140675,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 3:06-CV-609-MHT
)
ED HAY, et al.,)
)
Defendants.)

O R D E R

The complaint filed in this case is rambling and unintelligible. It therefore fails to identify factual allegations material to the count lodged against the defendants. This type of pleading fails to comply with the pleading requirements contained in the Federal Rules of Civil Procedure as it “completely disregards Rule 10(b)’s requirement that discrete claims should be plead in separate counts, *see Anderson v. Dist. Bd. of Tr.*, 77 F.3d 364, 366-67 (11th Cir. 1996), and is the type of complaint that [has been] criticized time and again.” *Magluta v. Samples*, 256 F.3d 1282, 1284 (11th Cir. 2001). “[D]istrict Courts confronted by such complaints have the inherent authority to demand repleader sua sponte. *See Johnson Enters. of Jacksonville, Inc. v. FPL Group, Inc.*, 162 F.3d 1290, 1332 n.94 (11th Cir. 1998); *Fikes v. City of Daphne*, 79 F.3d 1079, 1083 n.6 (11th Cir. 1996).” *Magluta*, 256 F.3d at 1284 n.3. In light of the foregoing, it is

ORDERED that on or before July 28, 2006 the plaintiff shall file an amendment to his complaint which:

1. Presents ***specific*** facts in support of his claim that the defendants acted in violation of his constitutional rights.
2. States the date on which the alleged constitutional violation occurred.
3. Describes how each named defendant acted in violation of his constitutional rights.

The plaintiff is hereby advised that the amendment to the complaint must set forth ***short and plain statements*** showing why the plaintiff is entitled to relief. Each allegation in the pleading should be simple, concise and direct. *See Rule 8, Federal Rules of Civil Procedure.* The plaintiff is further advised that neither rambling recitations nor conclusory allegations will be accepted by this court.

The plaintiff is ***cautioned*** that if he fails to comply with the directives of this order the Magistrate Judge will recommend that this case be dismissed.

Done this 13th day of July, 2006.

/s/ Delores R. Boyd

UNITED STATES MAGISTRATE JUDGE